

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kyle Gotshalk, et al.,
Plaintiffs
v.
Peter Hellwig, et al.,
Defendants

2:13-cv-00448-JAD-NJK
Order Adopting in Part Report and
Recommendation, Entering Default
against Stakool, and Dismissing
Stakool's Counterclaims with Prejudice
[ECF No. 92]

On February 26, 2016, Magistrate Judge Koppe ordered defendant and counter-claimant Stakool Inc. to retain counsel and enter a notice of appearance by March 25, 2016.¹ When Stakool failed to comply, Magistrate Judge Koppe ordered Stakool to show cause why case-dispositive sanctions should not be entered against it,² and expressly warned that failure to respond to that order would result in a recommendation of dismissal.³ The deadline to respond expired, and Stakool did not appear or respond to the magistrate judge's show-cause order.

On April 15, 2016, Magistrate Judge Koppe issued a report recommending that I (1) enter default judgment against Stakool and (2) dismiss Stakool's counterclaims with prejudice.⁴ She reasoned that "[s]anctions less drastic than default judgment and dismissal are unavailable because Stakool has willfully refused to comply with multiple court orders despite the warning that dismissal may result."⁵ Objections to the report and recommendation were due by May 2, 2016, and Stakool

¹ ECF No. 90.

² ECF No. 91.

³ *Id.*

⁴ ECF No. 92.

⁵ *Id.* at 1.

1 has not filed an objection or requested an extension to do so.⁶

2 “[N]o review is required of a magistrate judge’s report and recommendation unless
3 objections are filed.”⁷ I find that Stakool’s failure to object to the report and recommendation
4 combined with its repeated refusals to comply with this court’s orders justify a Clerk’s entry of
5 default and dismissal sanctions. I therefore adopt in part Magistrate Judge Koppe’s report and
6 recommendation, enter default against Stakool, and dismiss Stakool’s counterclaims with prejudice.
7 But because plaintiffs must prove damages, I decline to enter default judgment at this time. And
8 because defaults have now been entered against all defendants,⁸ the time is ripe for plaintiff to file a
9 motion for default judgment.

10 Conclusion

11 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that **Magistrate**
12 **Judge Koppe’s report and recommendation [ECF No. 92] is ADOPTED in part; the Clerk of**
13 **Court is instructed to enter default against Stakool, and Stakool’s counterclaim is dismissed**
14 **with prejudice.**

15 **Plaintiffs are instructed to file a motion for default judgment by May 20, 2016.**

16 Dated this 11th day of May, 2016.

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18 Jennifer A. Dorsey
19 United States District Judge
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25 ⁶ L.R. IB 3-2.

26 ⁷ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
27 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

28 ⁸ ECF No. 26 (Clerk’s entry of default against Anthus Life Corp. and Peter Hellwig).